(101)

HIGH COURT OF CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO.163 OF 2007

Petitioners

1) RAJENDRA KUMAR SHUKLA, aged about 38 years S/o Shri Sant Kumar Shukla Lower –Division Teacher.

2) RAJENDRA KUMAR SINHA, aged about 39 years S/o Shri Shyamlal Sinha Lower-Division – Teacher Both Employees of :-Vivekanand Vidyapeet Ramkrishna Paramhans Nagar, Kota, Raipur (CG)

Vs

Respondents

1) STATE OF CHHATTISGARH Through Principal Secretary Scheduled tribe Welfare department Govt of Chhattisgarh Mantralaya DKS Bhawan, Raipur (CG)

2) VIVEKANAND VIDYAPEETH, Ramkrishna Paramhans – Nagar Kota, Raipur (CG) (Public –Trust Regd No.187) Through : Secretary

3) THE COLLECTOR Schedule Tribe & Scheduled caste Welfare Department Collectorate Raipur (CG)

PRESENT:

Shri Vaibhav Goverdhan, counsel for the petitioners.
Shri Prashant Mishra, Addl. Advocate General for the State.

ORAL ORDER
(Passed on 3rd April, 2007)

(102)

The following oral order of the Court was passed by H.L. Dattu, CJ.

We had heard the matter on 2-4-2007, but, because of paucity of time, we could not dictate the judgment and, therefore, had adjourned the matter to 3-4-2007.

2) Shri V.G. Tamaskar, learned counsel appearing for the petitioner has filed a memo before the Registry. In that memo, he has stated that owing to his personal engagement elsewhere he may not be able to appear before the Court on 3-4-2007.

3) We really appreciate the high standard of advocacy maintained by Shri V.G. Tamaskar. He has informed the Court that since the matter is part heard, his absence may be excused, but again he has not asked for any adjournment.

4) Petitioners are working as Lower Division Teachers in school run by the second respondent. The second respondent is a Public Trust. It has its registered office at Ramkrishna Paramhans Nagar, Kota, Raipur, CG.

5) First petitioner was appointed as Lower Division Teacher by the second respondent –Trust on 15-7-1996 and second petitioner was appointed as Lower Division Teacher on 5-1-1996. The Trust is fully aided educational institution.

6) In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners are calling in question the legality or otherwise of the advertisement issued by the second respondent in a local newspaper, namely, Dainik Bhaskar, Raipur, dated 29-11-2005 wherein the second respondent has called for the applications from the eligible candidates for appointment of teachers on contract basis.

7) First and foremost, it is not a Public Interest Litigation, since nowhere in the petition, the petitioners have stated that it is the PIL and secondly they have not even paid the security deposit as required under the High Court of Chhattisgarh Rules, 2005.

8) Looking to the averments made in the writ petition, at the most it can only be a private interest litigation between the petitioners and the second respondent. To maintain a petition under Article 226 of the Constitution, the petitioners who comes before this Court, should be aggrieved persons. Nowhere in the instant petition, it is stated that how the petitioners would be aggrieved by the advertisement issued by the second respondent for appointment of teachers on contract basis.

9) In view of the above, we cannot entertain this writ petition under Article 226 of the Constitution of India, since the petitioners are not aggrieved persons to maintain this writ petition. Accordingly the writ petition requires to be rejected and is rejected. Ordered accordingly.

Sd/-
H.L. Dattu
Chief Justice

Sd/-
V.K. Shrivastava
Judge